

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.Revn. No.962 of 1998
Date of Decision:12.8.2009

Zile Singh

...petitioner

Versus

Food Inspector, Narwana District Jind (Haryana)

...Respondent

CORAM: HON'BLE MR.JUSTICE HARBANS LAL

Present: Mr.Ankur Malik, Advocate for the petitioner

Mr.Amit Kaushik, Assistant Advocate General, Haryana

JUDGMENT

HARBANS LAL, J.

This revision is directed against the judgment dated 8.7.1999 passed by the court of learned Additional Sessions Judge (I), Jind whereby he dismissed the appeal filed by Zile Singh accused against the judgment/order of sentence dated 11.12.1997 rendered by the court of Sub Divisional Judicial Magistrate, Narwana, vide which he convicted and sentenced the aforesaid accused to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- under Section 16(1)(a)(i) read with Section 7 of the Prevention of Food Adulteration Act, 1954 (for brevity 'the Act') and in default of payment of the fine, to further undergo rigorous imprisonment for a period of three months.

The facts in brief of the prosecution are that Govt. Food Inspector Khushi Ram Gambhir accompanied by Dr. R.S.Khatri inspected the premises of accused Zile Singh near Laxmi Cinema Narwana on

26.2.1990 at 2.30 P.M. and he was found in possession of about 2 kgs. of paneer (Cheese) for public sale contained in an Aluminum tray. The aforesaid Inspector also joined PW Madan Lal as a witness. After giving a notice Ex.PA, the aforesaid Inspector demanded a sample of paneer. Thereafter, he purchased 750 grams paneer from the accused on payment of Rs.24/- vide receipt Ex.PB. The usual formalities were observed. The certificate Ex.PE was issued by Public Analyst Haryana Chandigarh, in which it was opined that the sample of paneer was found to be adulterated. Then the aforesaid Inspector lodged a complaint.

After recording pre-charge evidence, the accused was charged under Section 16(1)(a)(i) read with Section 7 of the Act, to which he did not plead guilty and claimed trial.

The learned trial Magistrate after recording the prosecution evidence and statement of the accused under Section 313 of Cr.P.C. and after hearing the Government Food Inspector for the State, learned defence counsel and examining the evidence on record, convicted and sentenced the accused as noticed at the outset. Feeling aggrieved with his conviction/sentence, the petitioner preferred an appeal, which was also dismissed by the court of learned Additional Sessions Judge, Jind. Being undaunted and dissatisfied with the judgments rendered by both the courts below, he has preferred this revision.

I have heard the learned counsel for the parties, besides perusing the record with due care and circumspection.

Realising that he would not be able to persuade this court to take a view contrary to the findings returned by both the courts below, the

learned counsel for the petitioner submitted that he does not wish to assail the conviction. On analysing and scrutinizing the evidence on record, it is found that the judgments recorded by both the courts below cannot be faulted with in any manner. Sequelly, conviction is maintained. At this juncture, the learned counsel for the petitioner submitted that the petitioner has been facing the agony of trial since 1990 and that being so, his sentence may be reduced to the already undergone.

I have given a deep and thoughtful consideration to this submission. Needless to say, this incident is more than 19 years old. As per the custody certificate, taken on record, the petitioner has undergone 2 months and 10 days of the actual sentence. In re: **Sadhu Singh versus State of Punjab, 2004(1) Recent Criminal Reports (Criminal) 108**, the accused was convicted under Section 326 of IPC. The occurrence being 18 years old, the sentence was reduced to the already undergone (one month). An identical view has also been taken in re: **Nirmal Singh Versus State of Punjab 2005(1) Recent Criminal Reports (Crl.) 477**. The petitioner has been facing the agony of trial since 1990. He has suffered both financial and mental agony on account of protracted trial. In my view, the ends of justice would be sufficiently met, if while maintaining the conviction, the sentence imposed upon the petitioner is reduced to the already undergone (2 months and 10 days). Accordingly, it is reduced to the already undergone (2 months and 10 days).

12th August, 2009

gsv

(Harbans Lal)

Judge

Whether to be referred to the Reporter ?

Yes/No.